

DECLARATION AND POWER OF ATTORNEY

(Attorney Docket No: 102735.125)

As below-named inventors, We hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe that we are the original, and only inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD FOR DETECTING A BIOLOGICAL ENTITY IN A SAMPLE

the specification of which (check only one):

☐ is attached hereto.

☒ was filed as United States Patent Application
Serial No. 09/563,038
on May 1, 2000
and was amended
on _____
(if applicable)

☐ was filed as PCT Patent Application
Serial No. _____
on _____
and was amended under PCT Article 19
on _____
(if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, CFR §1.56(a) and §1.56(b). We also acknowledge the duty to disclose all information which is material to the patentability as defined in 37 CFR §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country

other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. '119(a)-(d) or 365(b), or 365(a):**

| COUNTRY (if PCT indicate PCT) | APPLICATION NUMBER | DATE OF FILING | PRIORITY CLAIMED UNDER 35 U.S.C. '119 (YES/NO) |
|----------------------------------------------|---------------------------|-----------------------|---------------------------------------------------------------|
| | | | |

I hereby claim benefit under 35 U.S.C. '119(e) of any United States provisional application(s) listed below:

| Application Number(s) | Filing Date (MM/DD/YYYY) | |
|------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 60/183,388 60/190,691 | 02/18/2000 03/20/2000 | G Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. '120 or 365(c):**

| APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS: (PATENTED, PENDING OR ABANDONED) |
|---------------------------|----------------------------------------------|-----------------------------------------------------|
| | | |

POWER OF ATTORNEY: As named inventors, We hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

| | |
|--------------------------|------------------|
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Wherefore we petition that letters patent be granted to us for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe our names to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Robert Paul Schaudies**

Inventor's signature Robert Paul Schaudies Date: 3 Aug 00
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